

OCT 15 2003

PTO/SB/25 (08-03)

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APPLICATION**

Docket Number (Optional)
0942.3600003/RWE/BJD

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In re Application of: CHATTERJEE, D.K.

Application No.: 09/558,421

Filed: April 26, 2000

For: Mutant DNA Polymerases and Uses Thereof

The owner*, Invitrogen Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/229,173, filed on January 13, 1999, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Signature

Date

10/20/2003 JBALINAH-00000069-09558421

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Brian J. Del Buono Reg. No. 42,473

Typed or printed name

10/20/2003 JBALINAH-00000069-09558421

01_FC:1253

950.00-OP

202-371-2600

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
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Oct. 15, 2003
 Date

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